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January 13, 1999

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Ms. Magalie Roman Salas, Secretary **FCC MAIL ROOM** Petition for Rule Making
Federal Communications Commission New FM Channel 263A
445- Twelfth St. SW Augusta, Kansas
TW- A 325
Washington, D.C. 20554

Dear Ms. Salas:

Enclosed please find an original and five (5) copies of a Petition for Rule Making, filed on behalf of L. Topaz Enterprises, Inc., requesting the allotment of FM Channel 263A (100.5 MHz) to Augusta, Kansas as that community's second local FM service.

If this proposal is ultimately adopted, L. Topaz Enterprises, Inc., will promptly apply for authority to construct and operate a new station on the proposed channel.

An additional copy of this letter is enclosed. Please date-stamp and return to me in the enclosed postage-paid envelope.

If you have any questions, please call: 1-608-831-8708.

Thank you.

Enclosures:

cc: John A. Karousos
Chief, Allocations Branch

sent via certified mail

Respectfully submitted,

Dale A. Ganske

Dale A. Ganske, President
L. Topaz Enterprises, Inc.
3325 Conservancy Lane
Middleton, Wi. 53562

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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JAN 19 1999

FCC MAIL ROOM

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket _____
Table of Allotments,) RM - _____
FM Broadcast Stations)
(Augusta, Kansas))

To: The Chief, Allocations Branch

PETITION FOR RULE MAKING

Comes now L. TOPAZ ENTERPRISES, INC., (hereafter "Petitioner"), pursuant to Section 1.401 of the Commission's Rules, and respectfully petitions the Commission to amend the FM Table of Allotments, 47 C.F.R. 73.202(b), to allocate FM Channel 263A to Augusta, Kansas, as that community's second local FM service.

Proposal of Petitioner:

	<u>Channel Numbers</u>	
<u>City</u>	<u>Present</u>	<u>Proposed</u>
Augusta, Kansas	283C3	263A, 283C2

In support of this proposal, the following information is herewith submitted for consideration:

Augusta is an incorporated community located in Butler County in southern Kansas, approximately 190 kilometers southwest of Topeka, Kansas. The city population is 7,786 and the county population is 50,580 1/. Adoption of this proposal will provide Augusta with its second local FM broadcast service.

Attached hereto and made a part of this petition is a Technical Exhibit in support of the requested allotment. Based on the information contained therein, it appears that the requested channel could be allocated to Augusta, in full compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules, without the imposition of a site-restriction.

If this proposal is adopted, Petitioner will promptly apply for authority to construct and operate a new FM broadcast station at Augusta, Kansas. If a construction permit is granted, Petitioner will promptly construct and operate the proposed station.

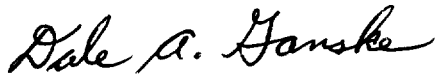
1/ Population figures from the 1990 U.S. Census.

In accordance with Section 1.52 of the Commission's Rules and Regulations, I hereby certify that I have examined the foregoing Petition for Rule Making and the attached Technical Exhibit and that both are true and correct to the best of my knowledge and belief.

WHEREFORE, it is respectfully requested that the instant petition be granted and that the FM Table of Allotments, Section 73.202(b), be amended as requested herein.

Respectfully submitted,

L. TOPAZ ENTERPRISES, INC.



Dale A. Ganske, President
3325 Conservancy Lane
Middleton, WI 53562
(608) 831-8708

by:

CONTEMPORARY COMMUNICATIONS



Larry G. Fuss, President
P.O. Box 1787
Cleveland, MS 38732
(601) 846-1787
(601) 843-0494 (Fax)

January 9, 1999



Contemporary Communications

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P.O. BOX 1787 □ CLEVELAND, MS 38732**

TECHNICAL EXHIBIT

**IN SUPPORT OF
PETITION FOR RULE MAKING
NEW FM - CHANNEL 263A
AUGUSTA, KANSAS**

L. TOPAZ ENTERPRISES, INC.

Prepared January 9, 1999

**CONTEMPORARY COMMUNICATIONS
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TECHNICAL EXHIBIT

**IN SUPPORT OF
PETITION FOR RULE MAKING
NEW FM - CHANNEL 263A
AUGUSTA, KANSAS**

L. TOPAZ ENTERPRISES, INC.

INTRODUCTION

This Technical Exhibit supports the petition of L. TOPAZ ENTERPRISES, INC., seeking to amend the FM Table of Allotments, Section 73.202(b) of the Rules, by allocating FM Channel 263A to Augusta, Kansas, as that community's first second local FM channel.

ALLOCATION

A study was performed using the computerized **SEARCHFM** frequency search program and the current FCC/NTIS database to determine if Channel 263A could be allocated in compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules. The study included all applicable co-channel, adjacent-channel and IF separations. The results of that study indicate that Channel 263A may be allocated to Augusta in full compliance with Section 73.207(b), without the imposition of a specific site-restriction.

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The "area-to-locate" for Channel 263A is indicated on Exhibit A, attached hereto. The exhibit depicts the required separation arcs from all pertinent co-channel and adjacent channel stations and allocations. As indicated, there is ample area in the vicinity of Augusta in which to locate a transmitter site. Assuming maximum Class A facilities (6 kw @ 100 meters above average terrain), a transmitter site at any location within the "area-to-locate" would enable the proposed station to provide adequate city-grade (70 dBu) coverage to the entire city, in full compliance with Section 73.315(a) and (b).

CONCLUSION

The proposed change in the table of allotments will not create a short-spacing to any existing station, pending application or vacant allotment, and will not require the reallocation of any station, pending application or vacant allotment.

A copy of the separation study for Channel 263A is attached hereto as Exhibit B and made a part of this report (only those stations and channels sufficiently close for concern are noted therein).

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CERTIFICATION

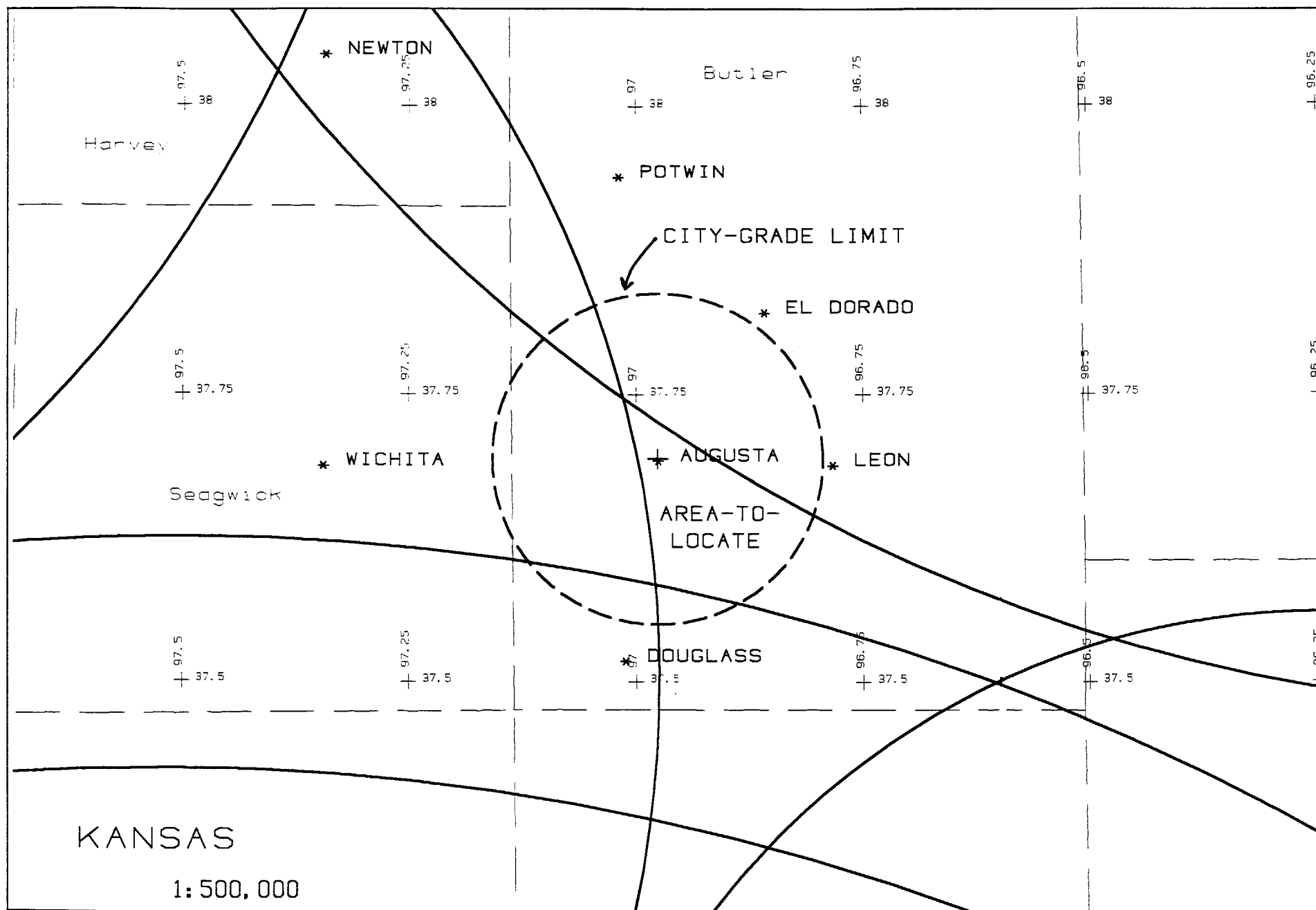
State of Mississippi)
) ss.
County of Bolivar)

I, Larry G. Fuss, do hereby certify as follows:

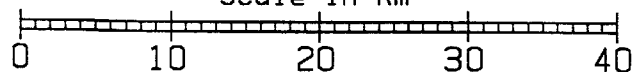
- 1) I am a qualified and experienced broadcast consultant. I have been actively involved in the broadcast industry since 1972 and currently hold a lifetime FCC General Class Radio Telephone License (License No. PG-8-8450).
- 2) I have prepared numerous applications and rule making petitions which have been accepted for filing with the Federal Communications Commission.
- 3) I have been retained by L. TOPAZ ENTERPRISES, INC., to prepare the attached Technical Exhibit.
- 4) The Technical Exhibit, of which this deposition is a part, and the measurements, calculations, studies and determinations upon which this report is based, were prepared by me or under my supervision and direction. All material contained therein is believed to be true and correct, to the best of my knowledge and belief.

Larry G. Fuss
Larry G. Fuss
Affiant

1/9/99
Date



Scale in km



AREA-TO-LOCATE - CH. 263A
N. Lat. 37 41 39 W. Lng. 96 58 33

EXHIBIT A
AUGUSTA, KANSAS

CONTEMPORARY COMMUNICATIONS
BROADCAST CONSULTANTS

EXHIBIT B

AUGUSTA KANSAS
NEW FM DROP-IN SEARCH

REFERENCE
37 41 39 N
96 58 33 W

CLASS = A
Current Spacings

DISPLAY DATES
DATA 01-01-99
SEARCH 01-09-99

----- Channel 263 - 100.5 MHz -----

Call	Channel	Location	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.	Power	HAAT			
KTCM	LI 262C2	Kingman	KS 107.93	258.8	106.0	1.93
37 29 59	98 10 24	CN 48.000 kW	154 M			
	Maria L. Salazar		BLH891010KE	970506		
KDVV	LI 262C	Topeka	KS 167.97	33.2	165.0	2.97
38 57 15	95 54 43	CN 100.000 kW	300 M			
	Midland Broadcasting, Inc.		BLH890718KB	970226		
KATTFM	LI 263C	Oklahoma City	OK 237.95	191.1	226.0	11.95
35 35 22	97 29 03	CY 100.000 kW	363 M			
	Caribou Communications Co.		BLH841105DA	970226		
KATTFM	LI 263C	Oklahoma City	OK 260.25	190.5	226.0	34.25
35 23 14	97 29 56	CN 27.500 kW	174 M			
	Caribou Communications Co.		BLH850227KC	970226		
KYFM.C	CP 261C1	Bartlesville	OK 110.41	144.3	75.0	35.41
36 53 07	96 15 04	CN 100.000 kW	299 M			
	KYFM Radio, Inc.		BPH970506IE	980424		
KHOK	LI 264C1	Hoisington	KS 183.33	301.7	133.0	50.33
38 32 49	98 45 59	CN 100.000 kW	131 M			
	Eagle Radio, Inc.		BLH820521AX	970228		
KSKG	LI 260C1	Salina	KS 131.16	338.7	75.0	56.16
38 47 36	97 31 33	CN 100.000 kW	174 M			
	Eagle Radio, Inc.		BLH6653	970228		
KSKG	LI 260C1	Salina	KS 136.43	336.3	75.0	61.43
38 49 03	97 36 31	CN 0.135 kW	8 M			
	Eagle Radio, Inc.		BLH920608KH	970228		
KIXR	LI 261A	Ponca City	OK 100.71	183.7	31.0	69.71
36 47 19	97 02 53	CN 3.000 kW	91 M			
	Mur-Thom Broadcasting, Inc.		BLH840814BY	970203		
